



Attorney Ref.: 200-708

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SBO Pictures, Inc. d/b/a Wicked Pictures,

Opposer,

v.

Wicked Corporation,

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

SBO Pictures, Inc., d/b/a Wicked Pictures, a California corporation with a business address of 9040 Eton Avenue, Canoga Park, California 91304-1616, believes that it will be damaged by registration of the mark WICKED which is the subject of Application Serial No. 76/259,784 and hereby opposes registration of said mark.

As grounds for opposition, it is alleged that:

1. Opposer is engaged in the business of producing and selling products and rendering services in the field of adult entertainment. These products and services in the adult entertainment field include, but are not limited to the production and sale of videocassette tapes, compact disc-CD ROMS, digital video discs, magazines and other publications, motion picture production services, on-line computer ordering services featuring adult novelties and entertainment products, providing on-line global computer web site services featuring adult entertainment graphics, pictures, photos, and magazine articles.

2. Since at least as early as March 1, 1993, and since long prior to any date of first use that can be relied on by Applicant, Opposer has continuously used the trade name and trademark WICKED PICTURES to identify its business and its line of adult entertainment products and services up to and including the present time.

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3. In addition, Opposer owns the following trademark registrations [WICKED marks].

Mark	Registration No.	First Use Date	Goods/Services
WICKEDWEB	2,551,470	March 1, 1996	On-line ordering services featuring adult novelties and entertainment goods and services; providing an on-line global computer website featuring adult entertainment graphics, pictures, photos, and audio-visual works; computer services, namely providing on-line via a global computer network magazine articles in adult entertainment.
WICKED PICTURES	2,408,286	March 1, 1993	Prerecorded videocassette tapes, compact disc-read only memory (CD-ROM), digital video disc (DVD), featuring adult entertainment.
WICKED PICTURES	2,475,020	March 1, 1996	Electronic publications downloadable from an online computer website, namely, magazine articles, pictures, photographs, and graphic images in the field of adult entertainment; on-line ordering services featuring adult novelties and entertainment products; entertainment services, namely, providing an on-line computer website featuring adult entertainment graphics, pictures and photos.
WICKED PICTURES	2,459,144	March 1, 1993	Motion picture film production.
WICKED NEWS	2,274,335	July 1, 1995	Newspaper, journal or newsletter with articles and graphics in the field of adult entertainment.
WICKED	2,473,950	January 7, 1999	Gels for use as personal lubricant; personal vibrators; sexual aids, namely, devices for massaging and stimulating the genitals, anus and other parts of the body; devices for aiding in copulation and masturbation, namely, reproductions of the parts of the male and female anatomy; pumps; stimulators; body prostheses; adult sexual novelties, namely, dolls, genital replica toy figures, and promotional game cares.
WICKED PICTURES and Design	2,428,693	June 27, 1997	Clothing, namely shirts, T-shirts, hats, caps, jackets, coats, shorts, pants, pajamas, robes, underwear, lingerie and bras.

Mark	Registration No.	First Use Date	Goods/Services
WICKED PICTURES and Design	2,322,874	March 1, 1996	On-line ordering services featuring adult novelties and entertainment products; providing an on-line global computer website featuring adult entertainment graphics, pictures, and photos; computer services, namely, providing on-line via a global computer network magazine articles in adult entertainment.
WICKED PICTURES and Design	2,322,873	March 1, 1993	Motion pictures studio.
WICKED PICTURES	2,322,872	July 1, 1997	Magazines in the field of adult entertainment.
WICKED PICTURES and Design	2,322,871	March 1, 1993	Prerecorded videocassette tapes, compact disc-read only memory (CD-ROM), digital video disc (DVD), featuring adult entertainment.

4. By virtue of its long use of WICKED PICTURES and its other WICKED marks for products and services in the adult entertainment field, Opposer's WICKED marks have become well known and have come to be exclusively associated with Opposer and with products and services emanating from Opposer.

5. Applicant, on May 21, 2001, filed an application to register the mark WICKED for "tobacco accessories, namely, smoking rolling papers, smoking pipes, tobacco Grinders, Hookahs, paper dispenser and tobacco holders and lighters not of precious metal".

6. Opposer believes and therefore alleges that the use and registration of the mark WICKED covered by Application Serial No. 76/259,784 will damage Opposer, for the reasons among others:

- a) That customers and purchasers of the respective goods would be confused, mistaken or deceived as to the source or origin of Applicant's goods sold under the mark opposed herein; and
- b) That customers and purchasers of the respective goods will assume, contrary to fact, that Applicant's goods are associated with, sponsored by,

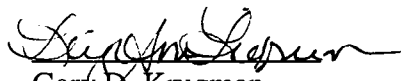
approved by or otherwise related to or affiliated with Opposer, when such is not the case.

7. Applicant's asserted mark WICKED so resembles Opposer's previously used trade name WICKED PICTURES and, further, so resembles Opposer's previously used WICKED trademarks comprising WICKED PICTURES and/or other WICKED marks as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake or to be deceived within the meaning of 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer respectfully prays that this opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

SBO PICTURES, INC/ d/b/a
WICKED PICTURES

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Date: April 9, 2004



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April 9, 2004
VIA HAND DELIVERY

Honorable Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Opposition to Registration of Application Serial No.: 76/259,784
Mark opposed: WICKED
Applicant: Wicked Corporation
Our Ref.: 200708

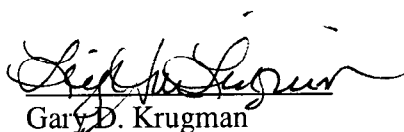
Dear Sir:

Enclosed herewith in duplicate is a Notice of Opposition against the registration of the WICKED mark which is the subject of Application Serial No. 76/259,784. Please institute the opposition and send notice of the institution to the undersigned in due course.

Also enclosed is a check in the amount of \$300.00, believed to be the fee in connection with the filing of this Notice of Opposition. You are authorized to charge any difference or credit any overpayment to the undersigned's Deposit Account No. 19-4880.

Please ensure that all communications in connection with the above-identified matter are directed to the undersigned.

Respectfully submitted,


Gary D. Krugman

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LAL/kcl

Enclosures: Notice of Opposition (in duplicate)
Check in the amount of \$300.00

cc: Robert Klass, Esq.

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